

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

CATHY WHITE RICE,)	
)	
Plaintiff,)	
)	No. _____
v.)	
)	
)	
BRIAN ASKINS and MUTUAL OF OMAHA)	
INSURANCE COMPANY,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant Mutual of Omaha Insurance Company ("Mutual of Omaha"), pursuant to 28 U.S.C. §1446(b), would respectfully show the Court:

1. On December 17, 2008, Defendant Mutual of Omaha was served with a Summons and Complaint, a copy of which is attached hereto as Exhibit A, in an action entitled *Cathy White Rice v. Brian Askins and Mutual of Omaha Insurance Company*, instituted December 11, 2008, in the Chancery Court for Shelby County, Tennessee.

2. The case stated by the Complaint served upon Defendant is removable to this Court under 28 U.S.C. §1441 in that the Plaintiff, at the time this action was commenced, was and still is a citizen of Desoto County, Mississippi. Defendant Mutual of Omaha, at the time this action was commenced, was and still is a Nebraska corporation with its principal place of business in Omaha, Nebraska. Defendant Brian Askins, at the time this action was commenced, was and still is a citizen of Springfield, Missouri.

3. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and is one which may be removed to this

Court by Defendant pursuant to the provisions of 28 U.S.C. §1441, in that complete diversity of citizenship exists between the parties. In addition, Plaintiff alleges that she is seeking damages in the amount of \$300,000 so that the matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000. Therefore, this Court has original jurisdiction over this action.

WHEREFORE, Defendant Mutual of Omaha gives notice that the above-styled action now pending against it in the Chancery Court for Shelby County, Tennessee, has been removed therefrom to this Court.

DATED this 16th day of January, 2009.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, P.C.

s/ Robert F. Tom

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Attorneys for Mutual of Omaha Insurance Company

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by first-class U.S. mail, postage pre-paid:

Robert M. Fargarson
254 Court Avenue, Suite 300
Memphis, TN 38103

this 16th day of January, 2009.

s/ Robert F. Tom